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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2012-52

13 **GARY LEE WATSON**  
160 Sandstone Loop E  
Westerville, OH 43081

**A C C U S A T I O N**

14 **Registered Nurse License No. 347764**

15 Respondent.

16  
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive  
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about September 30, 1982, the Board issued Registered Nurse License  
22 Number 347764 to Gary Lee Watson ("Respondent"). The license was in full force and effect at  
23 all times relevant to the charges brought herein and will expire on November 30, 2011, unless  
24 renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
28

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board  
6 may renew an expired license at any time within eight years after the expiration.

### 7 STATUTORY PROVISIONS

8 5. Code section 2761 states, in pertinent part:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an  
10 application for a certificate or license for the following:

11 (a) Unprofessional conduct.

12 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
13 against a health care professional license or certificate by another state or territory of the United  
14 States, by any other government agency, or by another California health care professional  
15 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
16 action."

### 17 COST RECOVERY

18 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licentiate found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case.

### 22 FIRST CAUSE FOR DISCIPLINE

#### 23 (Out-of-State Discipline)

24 7. Respondent is subject to discipline under Code section 2761(a)(4), in that Respondent  
25 was disciplined by the Ohio State Board of Nursing as follows:

26 a. Effective July 24, 2009, pursuant to a Consent Agreement, attached hereto as  
27 **Exhibit A**, Respondent's Ohio nursing license number RN 175133 was suspended indefinitely.  
28 However, the suspension was stayed, subject to terms, conditions, and limitations for a minimum

1 of two (2) years. The Consent Agreement was based on the following: Between January 7, 2004,  
2 and September 23, 2004, while employed at Riverside Methodist Hospital in Columbus, Ohio,  
3 Respondent failed to properly chart/document patient records, and failed to use the Pyxis machine  
4 properly for administration of medications, as more particularly set forth in the Notice of  
5 Opportunity for Hearing, attached hereto and incorporated herein as **Exhibit B**.

6 b. Effective May 21, 2010, Respondent's Ohio nursing license number RN 175133 was  
7 automatically suspended for failing to comply with the terms and conditions of the Consent  
8 Agreement, set forth above, and as more particularly set forth in the Notice of Automatic  
9 Suspension and Opportunity for Hearing, attached hereto as **Exhibit C**.

10 c. Effective July 30, 2010, pursuant to a Consent Agreement, attached hereto as  
11 **Exhibit D**, Respondent's Ohio nursing license number RN 175133 was reinstated and suspended  
12 indefinitely. However, the suspension was stayed, subject to terms, conditions, and limitations  
13 for a minimum of two (2) years. Respondent is currently on probation.

14 **PRAYER**

15 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 347764, issued to Gary  
18 Lee Watson;
- 19 2. Ordering Gary Lee Watson to pay the Board of Registered Nursing the reasonable  
20 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: July 25, 2011

23 *for* Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

26  
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Exhibit A  
Consent Agreement – July 24, 2009



## Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

**CONSENT AGREEMENT  
BETWEEN  
GARY L. WATSON, R.N.  
AND  
OHIO BOARD OF NURSING**

This Consent Agreement is entered into by and between GARY L. WATSON, R.N. (MR. WATSON) and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723. of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

MR. WATSON voluntarily enters into this Consent Agreement being fully informed of his rights under Chapter 119, ORC, including the right to representation by legal counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

### BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any license issued by the Board; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars (\$500.00) or less per violation. Section 4723.28(B)(19), ORC, authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(E), Ohio Administrative Code, states that a licensed nurse shall, in a complete, accurate, and timely manner, report and document nursing assessments or observations, the care provided by the nurse for the client, and the client's response to that care. Rule 4723-4-06(H), Ohio Administrative Code, states that a licensed nurse shall implement measures to promote a safe environment for each client.
- B. MR. WATSON's license to practice nursing as a registered nurse in the State of Ohio, RN-175133, was initially issued on September 11, 1981.

CERTIFIED TO BE A TRUE COPY

*[Signature]*  
OHIO BOARD OF NURSING

- C. On July 18, 2008, the Board issued a Notice of Opportunity for Hearing (July 2008 Notice) against MR. WATSON's license. A true and accurate copy of the July 2008 Notice is attached hereto and incorporated herein. MR. WATSON knowingly and voluntarily admits to the legal allegations set forth in the July 2008 Notice and admits that he failed to practice in accordance with acceptable and prevailing standards of safe nursing care in his documentation for Patients 1-10 and his use of the PYXIS for administration of medications to Patients 1-10.
- D. MR. WATSON denies that he diverted any medications from Riverside Methodist Hospital. MR. WATSON explains that in 2004, while working for Riverside Methodist Hospital, he occasionally accessed the Pyxis with his thumbprint to allow other nurses to withdraw medications. MR. WATSON acknowledges that providing access for other nurses is not appropriate nursing practice.
- E. MR. WATSON denies that he is chemically dependent.
- F. MR. WATSON is currently employed by Good Samaritan Hospital in Cincinnati, Ohio and has not received any discipline during his employment.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, MR. WATSON knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: MR. WATSON's license to practice nursing as a registered nurse shall be suspended indefinitely. Such suspension shall be stayed, subject to the following terms, conditions, and limitations for a minimum period of two (2) years:

- 1. MR. WATSON shall obey all federal, state, and local laws, all laws and rules governing the practice of nursing in Ohio.
- 2. MR. WATSON shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
- 3. In addition to the requirements for licensure renewal, taken subsequent to the effective date of the Consent Agreement, MR. WATSON shall successfully complete, and submit documentation of satisfactory completion of the following continuing nursing education prior to January 1, 2010: ten (10) hours of continuing education on Medication Administration; ten (10) hours of Documentation; five (5) hours of Critical Thinking; and one (1) hour Ohio Nursing Law and Rules.

Educational Needs Assessment and Learning Plan

4. Within six (6) months of the effective date of this Consent Agreement, MR. WATSON shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and MR. WATSON shall have the educator provide the Board with a written report of an assessment of MR. WATSON, which identifies MR. WATSON's knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, MR. WATSON shall provide the nursing educator with a copy of this Consent Agreement and the attachments and shall submit to any nursing skills or knowledge assessments required by the educator. MR. WATSON shall also execute releases prior to the assessment to permit the educator to obtain any information deemed appropriate and necessary for the assessment including information from MR. WATSON's employer(s), former employers, and Board staff. Following the assessment, MR. WATSON shall have the educator provide the Board with a copy of a learning plan developed by the educator for MR. WATSON and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that MR. WATSON shall complete to address any knowledge/practice deficiencies and remedial educational needs identified by the educator and shall identify the time frame during which MR. WATSON shall complete such learning plan. MR. WATSON shall successfully complete and submit satisfactory documentation of successful completion of the learning plan within the time frame specified in the learning plan.
5. MR. WATSON shall be responsible for all costs associated with obtaining and meeting the requirements of the learning plan.
6. After MR. WATSON has successfully completed the learning plan, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on MR. WATSON's license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether MR. WATSON is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on MR. WATSON's license.

Monitoring

7. MR. WATSON shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of MR. WATSON's history. MR. WATSON shall self-administer the prescribed drugs only in the manner prescribed.
8. Beginning sixty (60) days from the effective date of this Agreement and throughout the probationary period, MR. WATSON shall submit, at his expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after MR. WATSON's initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the

day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by MR. WATSON shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of MR. WATSON's chemical history.

- a. Within thirty (30) days prior to MR. WATSON initiating drug screening, MR. WATSON shall provide a copy of this Consent Agreement and the July 2008 Notice to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to MR. WATSON.
- b. After initiating drug screening, MR. WATSON shall be under a continuing duty to provide a copy of this Consent Agreement and the July 2008 Notice, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, MR. WATSON shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

#### Employer Reporting

9. Prior to accepting employment as a nurse in the State of Ohio, each time and with every employer, MR. WATSON shall notify and obtain approval from the Board or its designee.
10. Within fifteen (15) days of the effective date of this Consent Agreement, MR. WATSON, if working in a position in which a nursing license is required, shall provide his employer(s) with a copy of this Consent Agreement and the July 2008 Notice. Further, MR. WATSON is under a continuing duty to provide a copy of this Consent Agreement with attachments to any new employer prior to accepting employment. MR. WATSON shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. MR. WATSON shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Consent Agreement and the July 2008 Notice, including the date they were received.

#### Reporting Requirements of Licensee

11. MR. WATSON shall report to the Board, in writing, any violation of this Consent Agreement within thirty (30) days of the occurrence of the violation.
12. MR. WATSON shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.



Gary L. Watson, R.N.  
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13. MR. WATSON shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. MR. WATSON shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. MR. WATSON shall submit the reports and documentation required by this Consent Agreement on forms specified by the Board. All reporting and communications required by this Consent Agreement shall be made to the Compliance Unit of the Board.
16. MR. WATSON shall submit the reports and documentation required by this Consent Agreement or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, Ohio 43215-7410.
17. MR. WATSON shall verify that the reports and documentation required by this Consent Agreement are received in the Board office.
18. MR. WATSON shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

Temporary Practice Restrictions

Unless otherwise approved by the Board or its designee, MR. WATSON shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage MR. WATSON to provide nursing services for fees, compensation, or other consideration or as a volunteer.

Unless otherwise approved by the Board or its designee, MR. WATSON shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

#### FAILURE TO COMPLY

MR. WATSON agrees that his license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that MR. WATSON has violated or breached any terms or conditions of the Consent Agreement. Following the automatic suspension, the Board shall notify MR. WATSON via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, MR. WATSON may request a hearing regarding the charges.

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the Board, MR. WATSON appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

#### DURATION/MODIFICATION OF TERMS

The terms, limitations, and conditions of this Consent Agreement may be modified or terminated, in writing, at any time upon the agreement of both MR. WATSON and the Board.

The Board may only alter the probationary period imposed by this Consent Agreement if: (1) the Board determines that MR. WATSON has complied with all aspects of this Consent Agreement; and (2) the Board determines that MR. WATSON is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with MR. WATSON and review of the reports as required herein. Any period during which MR. WATSON does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Consent Agreement.

#### ACKNOWLEDGMENTS/LIABILITY RELEASE

MR. WATSON acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MR. WATSON waives all of his rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

MR. WATSON waives any and all claims or causes of action he may have against the Board, and its members, officers, employees and/or agents arising out of matters, which are the subject of this Consent Agreement.

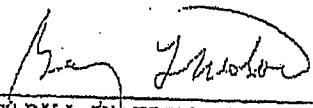
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks, and governmental bodies.

Gary L. Watson, R.N.  
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This Consent Agreement is not an adjudication order, as discussed in Chapter 119, ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119, ORC

EFFECTIVE DATE

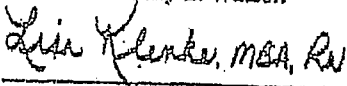
MR. WATSON understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below

  
\_\_\_\_\_  
GARY L. WATSON, R.N.

6-11-09  
DATE

  
\_\_\_\_\_  
JAMES MCGOVERN  
Counsel for Gary L. Watson

6/11/09  
DATE

  
\_\_\_\_\_  
LISA KLENKE, President  
Ohio Board of Nursing

7-24-09  
DATE

Exhibit B  
Notice of Opportunity for Hearing – July 18, 2008

**Ohio Board of Nursing**

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

July 18, 2008

**NOTICE OF OPPORTUNITY FOR HEARING**

Gary L. Watson, R.N.  
160 Sandstone Loop E  
Westerville, OH 43081

Dear Mr Watson:

In accordance with Chapter 119. of the Ohio Revised Code (ORC), you are hereby notified that the Ohio Board of Nursing (Board) proposes under the authority of Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation for the following reasons:

1. While you were employed as a registered nurse in the Emergency Department at Riverside Methodist Hospital in Columbus, Ohio, the following occurred involving Patients #1 through #10, as identified on the attached Patient Key (confidential—to be withheld from public disclosure):
  - a) On or about August 31, 2004 at 21:27, you withdrew 5 Vicodin tablets for Patient #1 although Patient #1 did not have a documented order for Vicodin. You also removed Dilaudid (Hydromorphone) 2 mg for Patient #1 at 21:25 on or about August 31, 2004. You documented administering Dilaudid 1 mg to Patient #1, but failed to document administering or wasting the remaining Dilaudid 1 mg.
  - b) On or about September 8, 2004, you withdrew Fentanyl for Patient #2 although Patient #2 did not have a documented order for Fentanyl and you failed to document administering or wasting the Fentanyl.
  - c) On or about September 23, 2004, at 20:14 you withdrew Dilaudid 2mg for Patient #3 although Patient #3 did not have a documented order for Dilaudid and Patient #3 had previously been discharged from the hospital on September 22, 2004 at approximately 15:06.
  - d) On or about September 8, 2004 at 02:22, you withdrew Dilaudid 2mg for Patient #4. You documented wasting Dilaudid 1 mg, but failed to document administering or wasting the remaining Dilaudid 1 mg.

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**OHIO BOARD OF NURSING**

- e) On or about July 19, 2004, at 16:16 you withdrew Dilaudid 2mg for Patient #5 although Patient #5 did not have a documented order for Dilaudid and you failed to document administering or wasting the Dilaudid.
- f) On or about July 19, 2004, at 16:46 you withdrew Dilaudid 2mg for Patient #6 although Patient #6 did not have a documented order for Dilaudid and you failed to document administering or wasting the Dilaudid.
- g) On or about January 7, 2004 at 23:15, you withdrew Dilaudid 2mg for Patient #7 although Patient #7 had previously been discharged from the hospital that day at approximately 14:40.
- h) On or about January 14, 2004 at 20:36, you withdrew Dilaudid 2mg for Patient #8 although Patient #8 had previously been discharged from the hospital that day at approximately 12:08.
- i) On or about January 19, 2004 at 19:57, you withdrew Dilaudid 2mg for Patient #9 although Patient #9 had previously been discharged from the hospital on January 18, 2004 at approximately 10:26.
- j) On or about January 19, 2004 at 19:22, you withdrew Dilaudid 2mg for Patient #10 although Patient #10 had previously been discharged from the hospital that day at approximately 17:28.

Section 4723.28(B)(19), ORC, authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(E), Ohio Administrative Code, states that a licensed nurse shall, in a complete, accurate, and timely manner, report and document nursing assessments or observations, the care provided by the nurse for the client, and the client's response to that care. Rule 4723-4-06(H), Ohio Administrative Code, states that a licensed nurse shall implement measures to promote a safe environment for each client.

Accordingly, the Board is authorized to impose one or more of the sanctions as cited in Section 4723.28, ORC.

In accordance with Chapter 119, ORC, you are hereby informed that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice.

You are hereby further informed that, if you timely request a hearing, you are entitled to appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in

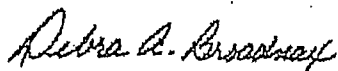
Gary L. Watson, R.N.  
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writing. At the hearing you may also present evidence and examine witnesses appearing for and against you.

Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to: Lisa Ferguson-Ramos, Compliance Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, Ohio 43215-7410.

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in your absence and upon consideration of the factual and legal allegations set forth in this Notice of Opportunity for Hearing, deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,



Debra A. Broadnax, M.S.N., R.N., C.N.S.  
Supervising Board Member

Certified Mail Receipt No. 7008 0150 0003 3672 6105

cc: Eric M. Laird  
5195 Hampsted Village Ctr. Way #140  
New Albany, OH 43054

Attorney Certified Mail Receipt No. 7008 0150 0003 3672 6112

cc: Leah O'Carroll, Assistant Attorney General

SEP 17 10 50 AM '00

REC'D - CIVIL RIGHTS

Exhibit C  
Notice of Automatic Suspension and  
Opportunity for Hearing – May 21, 2010





Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

May 21, 2010

NOTICE OF AUTOMATIC SUSPENSION AND  
OPPORTUNITY FOR HEARING

Gary L. Watson, R.N.  
160 Sandstone Loop E.  
Westerville, Ohio 43081

Dear Mr. Watson:

You are hereby notified that on or about July 24, 2009, you entered into a Consent Agreement (July 2009 Consent Agreement) with the Ohio Board of Nursing (Board), a copy of which is attached hereto and incorporated herein. Attached to and incorporated within the July 2009 Consent Agreement is a July 18, 2008 Notice of Opportunity for Hearing. Under the July 2009 Consent Agreement, your license to practice as a registered nurse was suspended, and the suspension was stayed subject to the probationary terms, conditions, and limitations contained in the July 2009 Consent Agreement, for a minimum period of two (2) years.

- A. Item 1. of the July 2009 Consent Agreement states, "MR. WATSON shall obey all federal, state and local laws, and all laws and rules governing the practice of nursing in Ohio." Section 4723.28(B)(19), Ohio Revised Code (ORC), authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-03(E), Ohio Administrative Code (OAC), states that a registered nurse shall, in a timely manner: (1) Implement any order for a client unless the registered nurse believes or should have reason to believe the order is: (a) Inaccurate; (b) Not properly authorized; (c) Not current or valid; (d) Harmful, or potentially harmful to a client; or (e) Contraindicated by other documented information.

Despite these provisions, on or about November 16, 2009, while employed as a registered nurse at Good Samaritan Hospital, Cincinnati, Ohio (Good Samaritan), the following occurred: Patient #1 [see attached Patient Key - to Remain Confidential and Not Subject to Public Disclosure] was transported by ambulance to the Emergency Room, and arrived to a patient room at approximately 18:57, with a chief complaint of nausea. The patient was post-coronary artery bypass graft (CABG) two weeks previously, and had received two (2) liters nasal cannula in the Emergency Room, on which her oxygen saturation was 95%. You were assigned to Patient #1 and documented the patient's pulse, blood pressure and respirations at 19:02 but did not document oxygen saturation/pulse oximeter reading. Dr. Sotos gave you an order to

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*H. R. Disc...*  
OHIO BOARD OF NURSING

obtain a pulse oximeter reading. Approximately 45 minutes later, Dr Sotos returned and you had not yet obtained a pulse oximeter reading. At 23:43, you documented on the patient's flow sheet that "Dr. Sotos here and oxygen sat on room air was 65%. Placed on oxygen per nasal cannula and on 3 liters her sat improved to 97%. Blood gases were drawn . . ." Regarding your not implementing the pulse oximeter order, you received a written Performance Counseling from Good Samaritan for "failure to respond in an appropriate and timely manner regarding patient assessment and care." In a written statement to the Board regarding the delay in implementing the physician's order, you indicate that, "I got busy starting an IV for the other RN in that zone before I checked it [the pulse oximeter]."

Section 4723.28(B)(17), ORC, authorizes the Board to discipline a licensee for violation of any restrictions placed on a nursing license by the Board. Section 4723.28(B)(19), ORC, authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-03(E), OAC, states that a registered nurse shall, in a timely manner: (1) Implement any order for a client unless the registered nurse believes or should have reason to believe the order is: (a) Inaccurate; (b) Not properly authorized; (c) Not current or valid; (d) Harmful, or potentially harmful to a client; or (e) Contraindicated by other documented information.

- B. Item 4. of the July 2009 Consent Agreement states, "Within six (6) months of the effective date of this Consent Agreement, MR. WATSON shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and MR. WATSON shall have the educator provide the Board with a written report of an assessment of MR. WATSON, which identifies MR. WATSON's knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, MR. WATSON shall provide the nursing educator with a copy of this Consent Agreement and the attachments and shall submit to any nursing skills or knowledge assessments required by the educator. MR. WATSON shall also execute releases prior to the assessment to permit the educator to obtain any information deemed appropriate and necessary for the assessment including information from MR. WATSON's employer(s), former employers, and Board staff. Following the assessment, MR. WATSON shall have the educator provide the Board with a copy of a learning plan developed by the educator for MR. WATSON and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that MR. WATSON shall complete to address any knowledge/practice deficiencies and remedial educational needs identified by the educator and shall identify the time frame during which MR. WATSON shall complete such learning plan. MR. WATSON shall successfully complete and submit satisfactory documentation of successful

completion of the learning plan within the time frame specified in the learning plan."

Despite these provisions, you did not inform the Board of contact with a nurse educator until May 8, 2010, and on that date, you indicated that you had just met with a nurse educator on May 7, 2010, who you stated, "will be sending you a copy of a learning plan." On or about May 12, 2010, your attorney provided the Board with a copy of your learning plan in which the nursing educator indicated that the expected date of completion is August 31, 2010.

Section 4723.28(B)(17), ORC, authorizes the Board to discipline a licensee for violation of any restrictions placed on a nursing license by the Board.

C. Item 3. of the July 2009 Consent Agreement states, "In addition to the requirements for licensure renewal, taken subsequent to the effective date of the Consent Agreement, MR. WATSON shall successfully complete, and submit documentation of satisfactory completion of the following continuing nursing education prior to January 1, 2010: ten (10) hours of continuing education on Medication Administration; ten (10) hours of Documentation; five (5) hours of Critical Thinking; and one (1) hour Ohio Nursing Law and Rules."

Despite these provisions, you failed to submit to the Board documentation of completion of the continuing education, required by Item 3., prior to January 1, 2010. You did not submit evidence of completion of the continuing education until on or about March 17, 2010, when you submitted evidence of completing the required hours in Documentation and Ohio law/rules, and on or about May 4, 2010, when you submitted documentation of the hours completed in Critical Thinking and Medication Administration.

Section 4723.28(B)(17), ORC, authorizes the Board to discipline a licensee for violation of any restrictions placed on a nursing license by the Board.

In accordance with the paragraph under "FAILURE TO COMPLY" of the July 2009 Consent Agreement, you are hereby notified that it appears to the Board that you have violated Items 1., 3., and 4. of the July 2009 Consent Agreement.

**YOU ARE FURTHER NOTIFIED THAT YOUR LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IS HEREBY AUTOMATICALLY SUSPENDED.** Continued practice after receipt of this notice of suspension shall be considered engaging in the practice of nursing without a current, valid license, which is a violation of Section 4723.03(A), ORC. You are hereby ordered to surrender your Ohio license to practice nursing as a registered nurse, RN-175133, to the Board within ten (10) days of receipt of this notice.

You are further notified that in accordance with Chapter 119, ORC, the Board proposes under authority of Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend or place

restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation for the following reasons:

1. On or about July 24, 2009, you entered into a Consent Agreement (July 2009 Consent Agreement) with the Ohio Board of Nursing (Board), *a copy of which is attached hereto and incorporated herein. Attached to and incorporated within the July 2009 Consent Agreement is a July 18, 2008 Notice of Opportunity for Hearing.* Under the July 2009 Consent Agreement, your license to practice as a registered nurse was suspended, and the suspension was stayed subject to the probationary terms, conditions, and limitations contained in the July 2009 Consent Agreement, for a minimum period of two (2) years.
2. Item 1. of the July 2009 Consent Agreement states, "MR. WATSON shall obey all federal, state and local laws, and all laws and rules governing the practice of nursing in Ohio." Section 4723.28(B)(19), Ohio Revised Code (ORC), authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-03(E), Ohio Administrative Code (OAC), states that a registered nurse shall, in a timely manner: (1) Implement any order for a client unless the registered nurse believes or should have reason to believe the order is: (a) Inaccurate; (b) Not properly authorized; (c) Not current or valid; (d) Harmful, or potentially harmful to a client; or (e) Contraindicated by other documented information.

Despite these provisions, on or about November 16, 2009, while employed as a registered nurse at Good Samaritan Hospital, Cincinnati, Ohio (Good Samaritan), the following occurred: Patient #1 [see attached Patient Key - to Remain Confidential and Not Subject to Public Disclosure] was transported by ambulance to the Emergency Room, and arrived to a patient room at approximately 18:57, with a chief complaint of nausea. The patient was post-coronary artery bypass graft (CABG) two weeks previously, and had received two (2) liters nasal cannula in the Emergency Room, on which her oxygen saturation was 95%. You were assigned to Patient #1 and documented the patient's pulse, blood pressure and respirations at 19:02 but did not document oxygen saturation/pulse oximeter reading. Dr. Sotos gave you an order to obtain a pulse oximeter reading. Approximately 45 minutes later, Dr. Sotos returned and you had not yet obtained a pulse oximeter reading. At 23:43, you documented on the patient's flow sheet that "Dr. Sotos here and oxygen sat on room air was 65%. Placed on oxygen per nasal cannula and on 3 liters her sat improved to 97%. Blood gases were drawn ..." Regarding your not implementing the pulse oximeter order, you received a written Performance Counseling from Good Samaritan for "failure to respond in an appropriate and

timely manner regarding patient assessment and care." In a written statement to the Board regarding this delay, you indicate that, "I got busy starting an IV for the other RN in that zone before I checked it [the pulse oximeter]."

Section 4723.28(B)(17), ORC, authorizes the Board to discipline a licensee for violation of any restrictions placed on a nursing license by the Board. Section 4723.28(B)(19), ORC, authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-03(E), OAC, states that a registered nurse shall, in a timely manner: (1) Implement any order for a client unless the registered nurse believes or should have reason to believe the order is: (a) Inaccurate; (b) Not properly authorized; (c) Not current or valid; (d) Harmful, or potentially harmful to a client; or (e) Contraindicated by other documented information.

3. Item 4. of the July 2009 Consent Agreement states, "Within six (6) months of the effective date of this Consent Agreement, MR. WATSON shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and MR. WATSON shall have the educator provide the Board with a written report of an assessment of MR. WATSON, which identifies MR. WATSON's knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, MR. WATSON shall provide the nursing educator with a copy of this Consent Agreement and the attachments and shall submit to any nursing skills or knowledge assessments required by the educator. MR. WATSON shall also execute releases prior to the assessment to permit the educator to obtain any information deemed appropriate and necessary for the assessment including information from MR. WATSON's employer(s), former employers, and Board staff. Following the assessment, MR. WATSON shall have the educator provide the Board with a copy of a learning plan developed by the educator for MR. WATSON and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that MR. WATSON shall complete to address any knowledge/practice deficiencies and remedial educational needs identified by the educator and shall identify the time frame during which MR. WATSON shall complete such learning plan. MR. WATSON shall successfully complete and submit satisfactory documentation of successful completion of the learning plan within the time frame specified in the learning plan."

Despite these provisions, you did not inform the Board of contact with a nurse educator until May 8, 2010, and on that date, you indicated that you had just met with a nurse educator on May 7, 2010, who you stated, "will be sending you a copy of a learning plan." On or about May 12, 2010, your attorney provided the Board with a copy of your learning plan in which the nursing educator indicated that the expected date of completion is August 31, 2010

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Section 4723.28(B)(17), ORC, authorizes the Board to discipline a licensee for violation of any restrictions placed on a nursing license by the Board

4. Item 3. of the July 2009 Consent Agreement states, "In addition to the requirements for licensure renewal, taken subsequent to the effective date of the Consent Agreement, MR. WATSON shall successfully complete, and submit documentation of satisfactory completion of the following continuing nursing education prior to January 1, 2010: ten (10) hours of continuing education on Medication Administration; ten (10) hours of Documentation; five (5) hours of Critical Thinking; and one (1) hour Ohio Nursing Law and Rules."

Despite these provisions, you failed to submit to the Board documentation of completion of the continuing education, required by Item 3., prior to January 1, 2010. You did not submit evidence of completion of the continuing education until on or about March 17, 2010, when you submitted evidence of completing the required hours in Documentation and Ohio law/rules, and on or about May 4, 2010, when you submitted documentation of the hours completed in Critical Thinking and Medication Administration.

Section 4723.28(B)(17), Ohio Revised Code, ORC, authorizes the Board to discipline a licensee for violation of any restrictions placed on a nursing license by the Board.

Accordingly, the Board is authorized to impose one or more of the sanctions as cited in Section 4723.28, ORC.

In accordance with Chapter 119, ORC, you are hereby informed that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice.

You are hereby further informed that, if you timely request a hearing, you are entitled to appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing. At the hearing you may also present evidence and examine witnesses appearing for and against you.

Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to: Lisa Ferguson-Ramos, Compliance Unit Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, Ohio 43215-7410, or to the email address, [hearing@nursing.ohio.gov](mailto:hearing@nursing.ohio.gov).

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in your absence and upon consideration of the factual and legal allegations set forth in this Notice of Automatic Suspension and Opportunity for Hearing, deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a

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registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,

*Ann E. Barnett*

Ann Barnett, RN, BSN, CWS  
Supervising Member

Certified Mail Receipt No. 7008 2810 0000 5362 5193  
Attorney Certified Mail Receipt No. 7008 2810 0000 5362 5209

cc: Melissa L. Wilburn, Assistant Attorney General  
James McGovern, Esq.

Exhibit D  
Consent Agreement – July 30, 2010





# Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

## CONSENT AGREEMENT BETWEEN GARY L. WATSON, R.N. AND OHIO BOARD OF NURSING

This Consent Agreement is entered into by and between GARY L. WATSON, R.N. (MR. WATSON) and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723. of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

MR. WATSON voluntarily enters into this Consent Agreement being fully informed of his rights under Chapter 119, ORC, including the right to representation by legal counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

### BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any license issued by the Board; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars (\$500.00) or less per violation. Section 4723.28(B)(17), ORC, authorizes the Board to discipline a licensee for violation of any restrictions placed on a nursing license by the Board. Section 4723.28(B)(19), ORC, authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(E), Ohio Administrative Code, states that a licensed nurse shall, in a complete, accurate, and timely manner, report and document nursing assessments or observations, the care provided by the nurse for the client, and the client's response to that care. Rule 4723-4-06(H), Ohio Administrative Code, states that a licensed nurse shall implement measures to promote a safe environment for each client.

CERTIFIED TO BE A TRUE COPY

*Helen R. Dison*  
OHIO BOARD OF NURSING

- B. **MR. WATSON's** license to practice nursing as a registered nurse in the State of Ohio, RN-175133, was initially issued on September 11, 1981. **MR. WATSON's** license as a registered nurse was automatically suspended on May 21, 2010.
- C. **MR. WATSON** has a prior probationary consent agreement with the Board dated July 24, 2009 (July 2009 Consent Agreement) based on the factual and legal allegations contained in a Notice of Opportunity for Hearing dated July 18, 2008 (July 2008 Notice) issued to **MR. WATSON**. Copies of the July 2009 Consent Agreement and the July 2008 Notice are attached hereto.
- D. On May 21, 2010, the Board issued a Notice of Automatic Suspension and Opportunity for Hearing (May 2010 Notice) to **MR. WATSON**. A true and accurate copy of the May 2010 Notice is attached hereto and incorporated herein. **MR. WATSON** knowingly and voluntarily admits to all of the factual and legal allegations set forth in the May 2010 Notice.
- E. With respect to the events described in Item A. of the May 2010 Notice, **MR. WATSON** states that he has not had any subsequent performance issues arise from his nursing practice. **MR. WATSON** admits that he did not inform the nursing educator, Pamela Dickerson, PhD RN-BC, of his written Performance Counseling described in Item A. of the May 2010 Notice until June 28, 2010.
- F. With respect to Item B. of the May 2010 Notice, **MR. WATSON** states that, until March 2010, he failed to appreciate the importance of timely completing the nursing assessment and learning plan requirements of the July 2009 Consent Agreement. **MR. WATSON** further states that he had difficulty locating a nursing educator in his area, but in May 2010 he was able to contract with a nursing educator for the purpose of assessment and completing a learning plan as required by the July 2009 Consent Agreement.
- G. **MR. WATSON's** nursing educator has provided the Board with a written report of an assessment of **MR. WATSON**, which identifies **MR. WATSON's** knowledge/practice deficiencies and remedial educational needs. Specifically, **MR. WATSON** is recommended to completed the following additional education hours: three (3) hours of Critical Thinking; three (3) hours of Documentation; three (3) hours of Ethics; and three (3) hours of Ohio Nursing Law. Further, the nursing educator recommends that at least half of the hours consist of "live" educational activities. **MR. WATSON** is required to provide a copy of the certificates to the nursing educator and a written statement regarding information he has learned in each activity.
- H. On June 28, 2010, **MR. WATSON's** nursing educator was provided a copy of the May 2010 Notice. In her correspondence dated June 28, 2010, the nursing educator states that **MR. WATSON's** educational plan does not need revised,

but that specific attention shall be given to the critical thinking component of his educational plan.

- I. **MR. WATSON** states that Good Samaritan Hospital in Cincinnati, Ohio is aware of the May 2010 Notice, and is willing to re-employ him as a nurse upon reinstatement of his nursing license.

#### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **MR. WATSON** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: **MR. WATSON's** license to practice nursing as a registered nurse shall be reinstated and suspended indefinitely. Such suspension shall be stayed, subject to the following terms, conditions, and limitations for a minimum period of two (2) years.

1. **MR. WATSON** shall obey all federal, state, and local laws, all laws and rules governing the practice of nursing in Ohio.
2. **MR. WATSON** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.

#### **Educational Needs Assessment and Learning Plan**

3. **MR. WATSON** shall not work as a nurse until he successfully completes the learning plan and provides documentation to the Board evidencing such completion.

#### **Follow learning plan or reinstate at meeting.**

4. Within thirty (30) days of **MR. WATSON** successfully completing the learning plan, the nursing educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MR. WATSON's** license to practice. Furthermore, the nursing educator shall provide to the Board a written opinion stating whether **MR. WATSON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. The Board may utilize the nursing educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MR. WATSON's** license and that the terms, conditions, and limitations shall be incorporated in an addendum to this Consent Agreement.

#### **Monitoring**

5. **MR. WATSON** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. WATSON's** history. **MR. WATSON** shall self-administer the prescribed drugs only in the manner prescribed.

6. Beginning sixty (60) days from the effective date of this Consent Agreement and continuing throughout the probationary period, MR. WATSON shall submit, at his expense and on the day selected, blood, hair, or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after MR. WATSON's initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by MR. WATSON shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of MR. WATSON's chemical history.
  - a. Within thirty (30) days prior to MR. WATSON initiating drug screening, MR. WATSON shall provide a copy of this Consent Agreement, the May 2010 Notice, the July 2009 Consent Agreement, and the July 2008 Notice to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to MR. WATSON.
  - b. After initiating drug screening, MR. WATSON shall be under a continuing duty to provide a copy of this Consent Agreement, the May 2010 Notice, the July 2009 Consent Agreement, and the July 2008 Notice; prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, MR. WATSON shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

#### Employer Reporting

7. Prior to accepting employment as a nurse in the State of Ohio, each time and with every employer, MR. WATSON shall notify and obtain approval from the Board or its designee.
8. Within fifteen (15) days of the effective date of this Consent Agreement, MR. WATSON, if working in a position in which a nursing license is required, shall provide his employer(s) with a copy of this Consent Agreement, the May 2010 Notice, the July 2009 Consent Agreement, and the July 2008 Notice. Further, MR. WATSON is under a continuing duty to provide a copy of this Consent Agreement, the May 2010 Notice, the July 2009 Consent Agreement, and the July 2008 Notice to any new employer prior to accepting employment. MR. WATSON shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. MR. WATSON shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Consent Agreement, the May 2010

Notice, the July 2009 Consent Agreement, and the July 2008 Notice, including the date they were received.

#### **Reporting Requirements of Licensee**

9. MR. WATSON shall report to the Board, in writing, any violation of this Consent Agreement within thirty (30) days of the occurrence of the violation.
10. MR. WATSON shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
11. MR. WATSON shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
12. MR. WATSON shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
13. MR. WATSON shall submit the reports and documentation required by this Consent Agreement on forms specified by the Board. All reporting and communications required by this Consent Agreement shall be made to the Compliance Unit of the Board.
14. MR. WATSON shall submit the reports and documentation required by this Consent Agreement or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, Ohio 43215-7410.
15. MR. WATSON shall verify that the reports and documentation required by this Consent Agreement are received in the Board office.
16. MR. WATSON shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

#### **Temporary Practice Restrictions**

MR. WATSON shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage MR. WATSON to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MR. WATSON shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

#### FAILURE TO COMPLY

MR. WATSON agrees that his license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that MR. WATSON has violated or breached any terms or conditions of the Consent Agreement. Following the automatic suspension, the Board shall notify MR. WATSON via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, MR. WATSON may request a hearing regarding the charges.

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the Board, MR. WATSON appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

#### DURATION/MODIFICATION OF TERMS

The terms, limitations, and conditions of this Consent Agreement may be modified or terminated, in writing, at any time upon the agreement of both MR. WATSON and the Board.

The Board may only alter the probationary period imposed by this Consent Agreement if: (1) the Board determines that MR. WATSON has complied with all aspects of this Consent Agreement; and (2) the Board determines that MR. WATSON is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with MR. WATSON and review of the reports as required herein. Any period during which MR. WATSON does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Consent Agreement.

#### ACKNOWLEDGMENTS/LIABILITY RELEASE

MR. WATSON acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MR. WATSON waives all of his rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

Gary L. Watson, R.N.  
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MR. WATSON waives any and all claims or causes of action he may have against the Board, and its members, officers, employees and/or agents arising out of matters which are the subject of this Consent Agreement.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks, and governmental bodies.

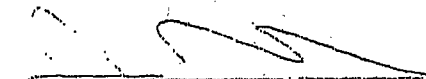
This Consent Agreement is not an adjudication order as discussed in Chapter 119, ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119, ORC.

EFFECTIVE DATE:


MR. WATSON understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

  
GARY L. WATSON, R.N.

7-10-10  
DATE

  
JAMES MCGOVERN, Esq.  
Attorney for Gary L. Watson, R.N.

7/12/10  
DATE

  
BERTHA LOVELACE, President  
Ohio Board of Nursing

7/30/10  
DATE